

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DANIEL LEE MAXSON II,

Petitioner,

Case Number: 06-CV-15190  
Honorable Paul D. Borman

v.

GERALD HOFBAUER,

Respondent.

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**OPINION AND ORDER APPOINTING COUNSEL FOR PETITIONER**

Petitioner, Daniel Lee Maxson II, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner has not filed any motion requesting the appointment of counsel. Rather, the Court finds that, on the basis of the facts presented, Petitioner will benefit from counsel in this case.

The Court acknowledges that there exists no constitutional right to the appointment of counsel in civil cases, and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines, after careful consideration, that, in the interests of justice, the appointment of counsel at this time would benefit Petitioner.

Accordingly, the Court **ORDERS** that Counsel be appointed for Petitioner in this case.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Paul D. Borman', written over a horizontal line.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: 10 -17-07